

REMARKS

Claim 8 is cancelled without prejudice or disclaimer. Therefore, claims 1-7 and 9-11 are the claims currently pending in the Application.

The Examiner objects to claims 4-8 and 14-16 as being in improper form because of their multiple dependency. The claims are amended to remove multiply dependent claims, and therefore this rejection should now be withdrawn.

Claims 1, 6, 9 and 11 are amended to clarify features recited thereby.

Formal Matters

Applicant thanks the Examiner for acknowledging the claim for foreign priority and the receipt of the priority document.

Further, Applicant thanks the Examiner for acknowledging review and consideration of the references cited in the Information Disclosure Statements filed on November 28, 2001 and on January 8, 2004.

Rejection of Claims 1, 2, 11 and 12 under 35 U.S.C. § 102(e)

Claims 1, 2, 11 and 12 are rejected under 35 U.S.C. § 102(e) as being anticipated by Meadows et al., U.S. Patent No. 6,690,292. This rejection is traversed.

According to an aspect of Applicant's claimed invention vehicle traffic is monitored based on transmissions from mobile telephones at the vehicles. Accordingly, traffic flow is determined based on the position data that is determined as a result of the monitoring of the mobile telephone transmissions from mobile telephones at the vehicles.

For at least the following reasons, Applicant's claimed invention is neither anticipated by nor obvious from the cited references. By way of example, independent claims 1 and 11 require that traffic flow is determined at positions of the mobile telephones, such that the traffic flow is determined from identification and position data of a mobile telephone.

Meadows discloses monitoring vehicular traffic using motion sensors deployed along roadways (Meadows, Abstract). In particular, Meadows discloses that motion sensors detect the speed of traffic along a roadway, and that this information is transmitted from the roadside sensors over a wireless network to a central database (Meadows, col. 1, lines 56-63); that drivers of vehicles can request the accumulated traffic information or other services from the database via cellular telephones or other vehicle-board equipment (Meadows, col. 1, lines 64-col. 2, line 2); and that the system retrieves corresponding traffic information from the database and responds to the traffic information request (Meadows, col. 2, lines 15-18).

Meadows does not disclose or suggest determining traffic flow based on identification and position data of the mobile telephones. Since Meadows does not disclose or suggest determining traffic flow from identification and position data of the mobile telephones, Meadows is incapable of disclosing or suggesting that the traffic flow is predominately determined from identification and position data of a subset of the mobile telephones, as *inter alia*, required by independent claims 1 and 11.

Claim 2 depends from independent claim 1, and claim 12 depends from independent claim 11. Therefore, claims 2 and 12 are patentably distinguishable over the prior art for at least the reasons that independent claims 1 and 11, respectively, are

patentably distinguishable over the prior art. Accordingly this rejection should now be withdrawn.

Rejection of Claims 3 and 13 under 35 U.S.C. § 103

Claims 3 and 13 are rejected under 35 U.S.C. § 103 as being obvious from Meadows and Wilkes, Jr., U.S. Patent No. 6,683,538, and rejects claims 9 and 10 under 35 U.S.C. § 103 as being obvious from Meadows. This rejection is traversed.

Claims 3 and 13 depend from independent claims 1 and 11, respectively, and thus incorporate novel and non-obvious features thereof. Wilkes does not remedy the deficiencies of Meadows as they relate to independent claims 1 and 11. Therefore, Meadows and Wilkes, even taken together in combination as a whole, do not disclose or suggest the requirements of claims 3 and 13. Accordingly this rejection should now be withdrawn.

Rejection of Claims 9 and 10 under 35 U.S.C. § 103

Claims 9 and 10 are rejected under 35 U.S.C. § 103 as being obvious from Meadows. This rejection is traversed.

Independent claim 9 requires a mobile telephone including a traffic update signal function that includes an output for causing the radio unit to broadcast an update signal more frequently than usual.

As discussed, Meadows does not disclose or suggest that a mobile telephone outputs a traffic update signal. Further, Meadows does not disclose or suggest that this traffic update signal be outputted more frequently than at other times, as *inter*

alia required by independent claim 9. Therefore, Meadows does not disclose or suggest recitations of independent claim 9.

Claim 10 depends from independent claim 9, and thus incorporate the novel and nonobvious features thereof. Therefore, claim 10 is patentably distinguishable over the prior art for at least the reasons that independent claim 9 is patentably distinguishable over the prior art. Accordingly this rejection should now be withdrawn.

For at least the reasons set forth in the foregoing discussion, Applicant believes that the Application is now allowable, and respectfully requests that the Examiner reconsider the rejections and allow the Application. Should the Examiner have any questions regarding this Amendment, or regarding the Application generally, the Examiner is invited to telephone the undersigned attorney.

Respectfully submitted,



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